

Message Text

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ACTION IO-13

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TO SECSTATE WASHDC 5077

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UNCLAS SECTION 1 OF 2 GENEVA 0915

E.O. 11652: NA

TAGS: UN, SHUM

SUBJ: 33RD SESSION HUMAN RIGHTS COMMISSION, FEB 7-MARCH 11,

1977: ITEM 4--OCCUPIED TERRITORIES

1. DEBATE ON OCCUPIED TERRITORIES (ITEM 4) BEGAN FEB 9 AND WILL CONTINUE FOR FOUR MEETINGS. FOLLOWING IS A DRAFT RES ON THE ITEM WHICH HAS NOT YET BEEN TABLED. DEL WILL FORWARD ANY CHANGES IN TEXT TO THE DEPARTMENT.

2. BEGIN TEXT.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE TERRITORIES OCCUPIED AS A RESULT OF HOSTILITIES IN THE MIDDLE EAST

- A -

THE COMMISSION ON HUMAN RIGHTS:

GUIDED BY THE PRINCIPLES AND PURPOSES OF THE CHARTER OF THE UNITED NATIONS, AS WELL AS THE PRINCIPLES AND PROVISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE PROVISIONS OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1949,

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RECALLING THE PERTINENT UNITED NATIONS RESOLUTIONS ON THE SITUATION IN THE OCCUPIED TERRITORIES AND THE PROTECTION OF THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF THE INHABITANTS OF THE OCCUPIED ARAB TERRITORIES,

TAKING INTO ACCOUNT THAT THE GENERAL ASSEMBLY HAS, IN RESOLUTION 31/2C (XXXI) RECALLED ITS RES. 3376 (XXX), WHICH

EXPRESSED GRAVE CONCERN THAT NO PROGRESS HAS BEEN ACHIEVED
TOWARDS:

(A) THE EXERCISE BY THE PALESTINIAN PEOPLE OF THEIR INALIENABLE
RIGHTS IN PALESTINE, INCLUDING THE RIGHT TO SELF-DETERMINATION
WITHOUT EXTERNAL INTERFERENCE AND THE RIGHT TO NATIONAL INDEPEND-
ENCE AND SOVEREIGNTY,

(B) THE EXERCISE OF THEIR INALIENABLE RIGHT TO RETURN TO THEIR
HOMES AND PROPERTY FROM WHICH THEY HAVE BEEN DISPLACED AND
UPROOTED,

TAKING INTO CONSIDERATION THAT THE GENERAL ASSEMBLY HAS ADOPTED
RESOLUTION 3314 (XXIX), WHICH DEFINES AS AN ACT OF AGGRESSION
THE INVASION OR ATTACK BY THE ARMED FORCES OF A STATE OF THE
TERRITORY OF ANOTHER STATE, OR ANY MILITARY OCCUPATION, HOWEVER
TEMPORARY, RESULTING FROM SUCH INVASION OR ATTACK OR ANY
ANNEXATION BY THE USE OF FORCE OF THE TERRITORY OF ANOTHER
STATE OR PART THEREOF,

WELCOMING THE STATEMENT ADOPTED BY THE SECURITY COUNCIL AT
ITS 1969TH MEETING ON 11 NOVEMBER 1976, AND BY WHICH THE COUNCIL,
INTER ALIA, EXPRESSED ITS GRAVE ANXIETY AND CONCERN OVER THE
PRESENT SERIOUS SITUATION IN THE OCCUPIED ARAB TERRITORIES AS A
RESULT OF CONTINUED ISRAELI OCCUPATION,

TAKING NOTE OF THE REPORTS OF THE UNITED NATIONS ORGANS, THE
UNITED NATIONS SPECIALIZED AGENCIES AND THE INTERNATIONAL
HUMANITARIAN ORGANIZATIONS ON THE SITUATION OF THE OCCUPIED
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ARAB TERRITORIES AND THEIR INHABITANTS, IN PARTICULAR THE REPORT
OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED
TERRITORIES, A/31/218,

GREATLY ALARMED BY THE CONTINUATION OF THE VIOLATIONS OF HUMAN
RIGHTS AND FUNDAMENTAL FREEDOMS BY ISRAEL IN THE OCCUPIED ARAB
TERRITORIES, PARTICULARLY THE MEASURES AIMING AT ANNEXATION,
AS WELL AS THE CONTINUING ESTABLISHMENT OF SETTLER'S COLONIES,
MASS DESTRUCTION OF HOMES, TORTURE AND ILL-TREATMENT OF
DETAINEES, EXPROPRIATION OF PROPERTIES AND IMPOSITION OF
DISCRIMINATORY ECONOMIC LEGISLATIONS,

1) EXPRESSES ITS GRAVE ANXIETY AND CONCERN OVER THE DETERIORATING
SERIOUS SITUATION IN THE OCCUPIED ARAB TERRITORIES AS A RESULT
OF THE CONTINUED ISRAELI OCCUPATION AND AGGRESSION,

2) CALLS UPON ISRAEL TO TAKE IMMEDIATE STEPS FOR THE RETURN OF
THE PALESTINIANS AND THE OTHER DISPLACED INHABITANTS OF THE

OCCUPIED ARAB TERRITORIES TO THEIR HOMES,

3) DEPLORES ONCE AGAIN ISRAEL'S CONTINUED VIOLATIONS, IN THE OCCUPIED ARAB TERRITORIES, OF THE BASIC NORMS OF INTERNATIONAL LAW AND OF THE RELEVANT INTERNATIONAL CONVENTIONS, IN PARTICULAR, ISRAEL'S GRAVE BREACHES OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1949, WHICH ARE CONSIDERED AS WAR CRIMES AND AN AFFRONT TO HUMANITY, AS WELL AS ISRAEL'S PERSISTENT DEFIANCE OF THE RELEVANT RESOLUTIONS OF THE UNITED NATIONS AND ITS CONTINUED POLICY OF VIOLATING THE BASIC HUMAN RIGHTS OF THE INHABITANTS OF THE OCCUPIED ARAB TERRITORIES,

4) CONDEMNS IN PARTICULAR THE FOLLOWING ISRAELI POLICIES AND PRACTICES:

A) THE ANNEXATION OF PARTS OF THE OCCUPIED TERRITORIES;
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B) THE ESTABLISHMENT OF ISRAELI SETTLER'S COLONIES THEREIN AND THE TRANSFER OF ALIEN POPULATION THERETO;

C) MASS DESTRUCTION AND DEMOLITION OF ARAB HOUSES;

D) THE EVACUATION, DEPORTATION, EXPULSION, DISPLACEMENT AND TRANSFER OF ARAB INHABITANTS OF THE OCCUPIED TERRITORIES, AND THE DENIAL OF THEIR RIGHT TO RETURN;

E) MASS ARRESTS, ADMINISTRATIVE DETENTION AND ILL-TREATMENT OF THE ARAB POPULATION;

F) THE TORTURE AND ILL-TREATMENT OF PERSONS UNDER DETENTION AND THE VIOLATION OF THE RELEVANT PROVISIONS OF THE GENEVA CONVENTIONS;

G) THE CONFISCATION, EXPROPRIATION AND ALL TRANSACTIONS FOR THE ACQUISITION OF THE ARAB PROPERTY AND LAND BY ISRAELI AUTHORITIES AND INDIVIDUALS;

H) THE EXPLOITATION OF HUMAN, NATURAL AND ALL OTHER RESOURCES OF THE OCCUPIED TERRITORIES AND THE PROMULGATION OF DISCRIMINATORY ECONOMIC LEGISLATIONS;

I) THE PILLAGING OF ARCHAEOLOGICAL AND CULTURAL PROPERTY;

J) THE DENIAL TO THE POPULATION OF THE OCCUPIED ARAB TERRITORIES OF THEIR RIGHTS TO NATIONAL EDUCATION AND CULTURAL LIFE;

K) THE INTERFERENCE WITH RELIGIOUS FREEDOMS AND PRACTICES;

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5) CONDEMNS ONCE MORE THE MASSIVE DELIBERATE DESTRUCTION OF QUNEITRA PERPETRATED DURING ISRAELI OCCUPATION AND PRIOR TO THE WITHDRAWAL OF ISRAELI FORCES FROM THAT CITY IN 1974, AND CONSIDERS THIS ACT AS A GRAVE BREACH OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1949,

6) REAFFIRMS THAT ALL SUCH MEASURES TAKEN BY ISRAEL TO CHANGE THE PHYSICAL CHARACTER, DEMOGRAPHIC COMPOSITION OR STATUS OF THE OCCUPIED ARAB TERRITORIES, OR ANY PART THEREOF, INCLUDING JERUSALEM ARE ALL NULL AND VOID, AND CALLS UPON ISRAEL TO RESCIND ALL SUCH MEASURES ALREADY TAKEN AND TO DESIST FORHWITH FROM TAKING ANY FURTHER ACTION WHICH TENDS TO CHANGE THE STATUS OF THE OCCUPIED ARAB TERRITORIES, INCLUDING JERUSALEM,

7) DECLARES ALL MEASURES TAKEN BY ISRAEL WITH A VIEW TO CHANGING THE STRUCTURE, STATUS, AND ESTABLISHED RELIGIOUS PRACTICES IN THE SANCTUARY OF AL-IBRAHIMI MOSQUE IN THE CITY OF AL-KHALIL NULL AND VOID AND CALLS UPON ISRAEL TO RESCIND ALL SUCH MEASURES ALREADY TAKEN,

8) CALLS UPON ISRAEL TO TREAT ARAB DETAINEES AS PRISONERS OF WAR,

9) FURTHER CALLS UPON ISRAEL ONCE MORE TO COMPLY WITH ITS
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OBLIGATIONS UNDER THE CHARTER OF THE UNITED NATIONS AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, TO ACKNOWLEDGE AND ABIDE BY ITS OBLIGATIONS UNDER THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR,

10) REITERATES ITS CALL UPON ALL STATES, INTERNATIONAL ORGANIZATIONS AND SPECIALIZED AGENCIES NOT TO RECOGNIZE ANY CHANGES CARRIED OUT BY ISRAEL IN THE OCCUPIED TERRITORIES AND TO AVOID ACTIONS WHICH MIGHT BE USED BY ISRAEL IN ITS PURSUIT OF THE POLICIES AND PRACTICES REFERRED TO IN THE PRESENT RESOLUTION,

11) REQUESTS THE SECRETARY GENERAL TO BRING THE PRESENT RESOLUTION TO THE ATTENTION OF ALL GOVERNMENTS, THE COMPETENT UNITED NATIONS ORGANS, THE SPECIALIZED AGENCIES, THE REGIONAL INTERGOVERNMENTAL ORGANIZATIONS AND THE INTERNATIONAL HUMANITARIAN ORGANIZATIONS AND TO GIVE IT THE WIDEST POSSIBLE PUBLICITY AND TO REPORT TO THE COMMISSION ON HUMAN RIGHTS AT ITS NEXT SESSION,

12) DECIDES TO PLACE ON THE PROVISIONAL AGENDA OF THE THIRTY-FOURTH SESSION, AS A MATTER OF HIGH PRIORITY, THE ITEM ENTITLED "QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN PALESTINE AND THE OCCUPIED ARAB TERRITORIES, AND REQUESTS THE SECRETARY GENERAL TO BRING TO THE ATTENTION OF THE COMMISSION ALL UNITED NATIONS REPORTS ON THAT QUESTION.

- B -

RECALLING GENERAL ASSEMBLY RESOLUTION 31/106 B (XXXI) WHICH REAFFIRMED THAT THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1948 IS APPLICABLE TO ALL THE ARAB TERRITORIES OCCUPIED BY ISRAEL SINCE 1967, INCLUDING JERUSALEM,

1) DEPLORES THE FAILURE OF ISRAEL TO ACKNOWLEDGE THE APPLICABILITY OF THAT CONVENTION TO ALL THE ARAB TERRITORIES IT HAS OCCUPIED SINCE 1967 INCLUDING JERUSALEM,
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2) URGENTLY CALLS ONCE MORE UPON ISRAEL TO ACKNOWLEDGE AND TO COMPLY WITH THE PROVISIONS OF THAT CONVENTION IN ALL THE ARAB TERRITORIES IT HAS OCCUPIED SINCE 1967, INCLUDING JERUSALEM,

3) URGES ONCE MORE ALL STATES PARTIES TO THAT CONVENTION TO EXERT ALL EFFORTS IN ORDER TO ENSURE RESPECT FOR AND COMPLIANCE WITH THE PROVISIONS THEREOF IN ALL THE ARAB TERRITORIES OCCUPIED BY ISRAEL SINCE 1967, INCLUDING JERUSALEM,

4) REQUESTS THE SECRETARY GENERAL TO BRING THE PRESENT RESOLUTION TO THE ATTENTION OF ALL GOVERNMENTS, THE COMPETENT UNITED NATIONS ORGANS, THE SPECIALIZED AGENCIES, THE REGIONAL INTER-GOVERNMENTAL ORGANIZATIONS AND THE INTERNATIONAL HUMANITARIAN ORGANIZATIONS. BRUNGART

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